

**PUBLIC NOTICE: 2012-34**

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS AND  
OPPORTUNITY TO COMMENT**

**AGENCY:** United States Environmental Protection Agency (EPA)  
Region 2  
290 Broadway  
New York, NY 10007

**ACTION:** Notice of Proposed Administrative Penalty Assessments and Opportunity to  
Comment

**SUMMARY:** EPA is providing notice of a proposed administrative penalty assessment for  
alleged violations of the Clean Water Act (Act). EPA is also providing notice of opportunity to  
comment on the proposed penalty assessment.

Under 33 U.S.C. §1319(g), EPA is authorized to issue Orders assessing civil penalties for  
various violations of the Act. EPA may issue such Orders after the commencement of a Class I  
or Class II penalty proceeding. EPA provides Public Notice of the proposed assessment pursuant  
to 33 U.S.C. §1319(g)(4)(A).

Administrative civil penalty proceedings are conducted under EPA's "Consolidated Rules of  
Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or  
Corrective Action Orders and the Revocation Termination or Suspension of Permits" ("CROP"),  
40 C.F.R. Part 22. The procedures through which the public may submit written comment on a  
proposed administrative penalty action or participate in an administrative penalty proceeding,  
and the procedures by which a Respondent may request a hearing, are set forth in the  
Consolidated Rules. The deadline for submitting public comment on this administrative civil  
penalty proceeding is thirty (30) days after issuance of this Public Notice.

On the date identified below, EPA commenced the following administrative action for the  
assessment of administrative civil penalties: In the Matter of the City of Rensselaer Municipal  
Separate Storm Sewer System ("MS4"), 62 Washington Street, Rensselaer, NY 12144, CWA-  
02-2012-3303; Filed on August 16, 2012 with Regional Hearing Clerk Karen Maples, EPA  
Region 2, 290 Broadway, 16th Floor, New York, NY 10007, (212) 637-3247; Proposed Penalty:  
**\$10,500.00** for violations of the New York State Pollutant Discharge Elimination System SPDES  
General Permit for Storm Water Discharges from MS4s (GP-08-002), at a small MS4 owned and  
operated by the City of Rensselaer in Rensselaer, New York.

**FOR FURTHER INFORMATION:** Persons wishing to receive a copy of EPA's Consolidated  
Rules, review documents filed in these proceedings, comment upon the proposed assessments, or  
otherwise participate in any of the proceedings, should contact the Regional Hearing Clerk,  
Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, NY 10007, (212) 637-  
3247. Unless otherwise noted, the administrative record for these proceedings is located in the  
EPA Regional Office identified above, and the files will be open for public inspection during

normal business hours. All information submitted by the Respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information.

EPA has provided the Respondent with an Expedited Settlement Offer in an effort to promptly settle this matter. In order to provide opportunity for public comment, EPA will take no final action in this proceeding prior to thirty (30) days after issuance of this Notice.

Dated: August 17, 2012

Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance